REMARKS:

In the outstanding Office Action, the Examiner rejected claims 1, 2, 5-14 and 16-19. No new matter is presented. Claims 3, 4 and 15 remain cancelled. Thus, claims 1, 2, 5-14 and 16-19 are pending and under consideration. The rejections are traversed below.

REJECTION UNDER 35 U.S.C. § 103(a):

Claims 1, 2, 5-14 and 16-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over various combinations of the following: JP Patent Pub. No. 11-282863 (Takahiro), JP Patent Pub. No. 06334703 (Hiroshi), JP Patent Pub. No. 10-162033 (Toru) and U.S. Patent No. 6,466,796 (Jacobson).

The problem asserted to be solved by Takahiro is directed to a wait time that occurs if the positioning operation measuring the user's position is performed when the user requests a service. Therefore, according to Takahiro, the positioning operation is performed regardless of the service request and the position of the user is registered to the server. Then, when a service is requested, the position information registered most up to date to the request is used (see, paragraphs 0004-0006).

According to Takahiro, the most up to date position information previously registered is regarded as the current position of a terminal. Takahiro explicitly states that "the position...where the accessing user is presently located" or "the current location" which is not the actual current position of the user at the time of a service request but the most up to date position previously registered is used (see, paragraphs 0015, 0016 and context of the whole description of Takahiro after paragraph 0003).

Takahiro only addresses position information announced by terminals independent of a service request and use of this position information. However, Takahiro does not teach or suggest the claimed "service-synchronous" position information (See discussion of claims below). That is, Takahiro does not mention the case in which a server requests a user to send its own position information.

The Examiner relies on Hiroshi as teaching determination of a type of information terminal depending on data transmitted from an information terminal of the user. According to Hiroshi, when a call request having a calling terminal unit's identifier is received, relevant database is identified based on the calling terminal unit's identifier (see, paragraph 9 and Fig. 2). However, Hiroshi is limited to services corresponding to the calling terminal unit's identifier.

The portable action detection device of Toru simply obtains environment data of a moving terminal and transmits the environment data based on a notice transmission condition previously set (see, Abstract).

On the other hand, Jacobson uses location data of a wireless telephone for determining telephone number of a service provider that provides service to the location of the caller in accordance with a priority set (i.e., nearest provider) (see, col. 5, lines 35-42, Fig. 7 and corresponding text).

The claimed invention includes both the service-asynchronous position information acquisition unit and service-synchronous position information acquisition unit and information received by the service-asynchronous position information acquisition unit is converted by the conversion unit and received by the service-synchronous position information acquisition unit.

Moreover, the claimed "position information" is information pertaining to where a user terminal exists, which is indicated, for example, by the latitude and longitude. This is unlike the map provided as a service according to the position of a user terminal in Takahiro.

Independent claim 1 recites that data including position information is received from "service-asynchronous information terminals that announce position information independently of requesting a service and that support plural types of different communications protocol and/or data format" and "service-synchronous information terminals that announce position information when requesting a service and that support plural types of different communications protocol and/or data format."

Claim 1 further recites, "converting the received data to the same format as data received by the service-synchronous position information acquisition unit" and "determining a type of the information terminal depending on data transmitted from the information terminal of the user according to which a communications protocol and/or data format is employed for the data transmitted from the information terminal."

Independent claims 13, 14, 18 similarly recite receiving position information from both "service-asynchronous information terminals" and "service-synchronous information terminals." Independent claim 16 also recites similar features.

Independent claim 19 recites, "acquiring position information of terminals..., the terminals using a first protocol announcing position information upon a service request and a second protocol announcing position information independent of the service request." Claim 19 further recites, "offering a service to the terminals using the acquired position information", where

"position information with respect to the second protocol is converted to the first protocol."

The cited references, alone or in combination, do not teach or suggest the above-identified features including receiving data of "service-asynchronous **and** service-synchronous information terminals" (see, claims 1, 13, 14, 16, 18 and 19).

It is submitted that the independent claims are patentable over the cited references.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over the cited references. The dependent claims are also independently patentable. For example, claim 5 recites, "authenticating a user of a terminal which has announced position information using data from a service-synchronous information terminal, or data converted " and "storing position information extracted by a position information extraction unit together with information about the terminal determined by said terminal determination unit" (see also claim 8). The cited references do not teach or suggest these features of dependent claims 5 and 8.

Therefore, withdrawal of the rejection is respectfully requested.

REQUEST FOR WITHDRAWAL OF FINALITY:

In light of the above, Applicants respectfully submit that prima facie case of obviousness has not been established and request withdrawal of the finality of the outstanding Office Action.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited. If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 10/19/2006

By: Temnit Afework

1201 New York Ave, N.W., 7th Floor
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

Temnit Afework
Registration No. 58,202